

-7-

REMARKS

To date, the Examiner has not indicated that the subject matter of the information disclosure statement (IDS) filed March 30, 2005 has been properly considered. A copy of such IDS is submitted herewith. If the Examiner requires additional copies of any reference(s), applicant invites the Examiner to contact the undersigned. Documentation in the file wrapper of the instant application confirming the Examiner's consideration of the relevant reference(s) is respectfully requested.

The Examiner has rejected Claims 1, 8 and 15 under 35 U.S.C. 103(a) as being unpatentable over Yinger et al. (U.S. Patent No. 5,960,204) in view of Lucas et al. (U.S. Patent No. 6,865,737). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims. Specifically, applicant has incorporated the subject matter of dependent Claims 22 and 24 into each of the independent claims.

In the Examiner's response to applicant's arguments from the amendment dated March 30, 2005, the Examiner states that applicant's arguments regarding recovering a set of user credentials from the installation program that is associated with sufficient privileges to allow the program to be run (see all independent claims) are not fully persuasive. Particularly, the Examiner relies on applicant's dependent Claim 23 to show that if the user credentials are not found, an error will be returned. Applicant agrees that according to dependent Claim 23, if sufficient user privileges are not found, an error will be returned. However, applicant respectfully asserts that such feature is not the primary point of novelty argued in the previous amendment.

Specifically, applicant claims "recovering a set of user credentials that is associated with sufficient privileges to run the installation program from the software installation package" (see this or similar, but not identical language in each of the independent claims). Yinger only discloses checking a group level and then a public level to determine at each level if the user has sufficient privileges (see Yinger Col. 10,

-8-

line 64-Col. 11 line, 10). Yinger does not disclose recovering "a set of user credentials...from the installation package," as claimed by applicant. Thus, to emphasize, applicant claims recovering a set of user credentials from the software installation package when the current user does not have sufficient privileges to run the installation program, and not merely checking the current user's privileges with respect to a group and public level, as disclosed in Yinger.

Furthermore, the Examiner has relied on Lucas to also meet applicant's aforementioned claim language. Specifically, the Examiner has relied on the following excerpt from Lucas to meet applicant's claimed "recovering a set of user credentials that is associated with sufficient privileges to run the installation program from the software installation package" (see this or similar, but not identical language in each of the independent claims).

"Logic flow diagram 500 (FIG. 5) illustrates installation of a service to a particular one of servers 104A-C (FIG. 1). In the context of logic flow diagram 500 (FIG. 5), the service being installed is referred to as the subject service and the particular one of servers 104A-C to which the subject service is being installed is referred to as the subject server. In step 502 (FIG. 5), master server 108 (FIG. 1) retrieves the service version record of service version table 346 (FIG. 3) which represents the service to be installed and the machine and IP records associated with the service. In step 504 (FIG. 5), master server 108 (FIG. 1) bundles the service to the one of servers 104A-C which is associated with the service in a manner described more completely below in conjunction with logic flow diagram 700 (FIG. 7). As used herein, "bundling" refers to collection and preparation of data and software for transport to the subject server. Initially, the bundle is empty. Bundling of the subject service in the manner described below adds data and software representing the service to the bundle for ultimate transport to the subject server in step 514 (FIG. 5) below." (Col. 13, lines 10-28-emphasis added)

Applicant respectfully asserts that the above excerpt from Lucas merely discloses installing a service to a server whereby a service version of the service is retrieved and the service is bundled (see emphasized excerpts above). Clearly, there is no mention of any sort of user credential in the above excerpt from Lucas, let alone "recovering a set of user credentials that is associated with sufficient privileges to run the installation program

-9-

from the software installation package,” in the manner claimed by applicant.

In addition, with respect to applicant’s claimed “wherein the software installation package includes a plurality of sets of user credentials” (see all of the independent claims), the Examiner has stated that Lucas teaches that “[t]he installation script uses both root privileges, minimal privileges and an encrypted signature to allow commands from the script to be executed and the installation to be transferred and executed. Thus, if a command is not encrypted, the script is still able to recover user credentials, i.e. “root”, to associate itself with sufficient privileges to have the script commands read and processed or use minimal privileges to transport it through the network” (see Lucas Col. 16, lines 10-13; Col. 13, lines 10-28; Col. 14, lines 31-62).

Applicant respectfully asserts that, in making such a statement, the Examiner has seemed to misconstrue the weight of applicant’s claim language. Particularly, applicant claims that the software installation package is what includes the plurality of sets of user credentials. Thus, the installation package, as claimed by applicant, distinguishes Lucas by including, in itself, a plurality of sets of user credentials to be utilized for authentication. Nowhere in Lucas is there any teaching or even suggestion of including in a software installation package a plurality of sets of user credentials, in the context claimed by applicant.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

-10-

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has included the following claim language in each of the independent claims to further emphasize the uniqueness of applicant's plurality of sets of user credentials included in the software installation package:

“wherein the plurality of sets of user credentials each include a user name and an associated password;

wherein an error message is displayed if none of the plurality of sets of user credentials are associated with sufficient privileges to run the installation program from the software installation package” (see former dependent Claims 22 and 24, presently incorporated in to each of the independent claims).

Thus, a notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested. Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, with respect to dependent Claim 4 et al., the Examiner has again relied on Yinger's disclosure of attempting to find sufficient privileges at a group level and public level of the current user to install the application (Yinger Col. 10, lines 58-65).

Again, applicant respectfully asserts that simply finding sufficient privileges for the current user in the manner disclosed by Yinger does not meet applicant's claim language since it completely fails to disclose utilizing any sort of “second set of user credentials from the plurality of sets of user credentials if the set of user credentials failed during authentication” (emphasis added). Applicant argues that such distinction is even clearer with respect to the amendments presently made to each of the independent claims which require that each of a plurality of sets of user credentials include a user name and an associated password.

-11-

Still yet, applicant brings to the Examiner's attention the subject matter of new Claim 25 below, which has been added for full consideration:

“determining if a subsequent set of user credentials from the plurality of sets of user credentials are available in the software installation package if the set of user credentials failed during authentication;

recovering the subsequent set of user credentials from the plurality of sets of user credentials included in the software installation package if it is determined that the subsequent set of user credentials is available; and

authenticating a second time to the computer using the subsequent set of user credentials” (see Claim 25).

A notice of allowance or a specific prior art showing of each of such claim limitations, in the context of the remaining elements, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAIIP262/01.205.01).

Respectfully submitted,
Zilka-Kotab, PC.

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100